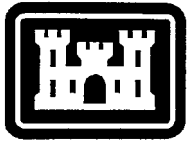


PUBLIC NOTICE



**US Army Corps
of Engineers
Kansas City District**

**Permit No. 200400342
Issue Date: January 16, 2004
Expiration Date: February 6, 2004**

21-Day Notice

JOINT PUBLIC NOTICE: This public notice is issued jointly with the Missouri Department of Natural Resources, Water Pollution Control Program. The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102.

APPLICANT: Lowe's Home Centers
15022 West 106th Street
Lenexa, KS 66215

PROJECT LOCATION (As shown on the attached drawings): The proposed Lowe's Home Center property is located northwest of the intersection of U.S. Highway 50 and Highway 13 in Section 13, Township 46 north, Range 26 West, in the City of Warrensburg, Johnson County, Missouri.

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344).

ACTIVITY (As shown on the attached drawings): The proposed construction of the Lowe's Home Center, with all attendant features, will result in the filling of approximately 0.7 acres of wetland and filling/piping approximately 1,147 linear feet of drainage channel. According to the applicant, the wetlands and drainage channels on the project site cannot be avoided due to the size (10.5 acres) of the parcel and the minimum square footage required for the selected store prototype.

WETLANDS: The approximate 0.6-acre wetland is the remnant of an "old" farm pond with the predominance of herbaceous (reed canary grass and cattail) vegetation. The 0.1-acre wetland adjacent to the Highway 13 roadway embankment is predominately cattail, rough horsetail, box-elder saplings and a few large trees (American elm, black willow and eastern cottonwood). The applicant has proposed creation of 1.0 acre of wetland and the restoration of approximately 1,500 linear feet of stream channel as compensatory mitigation for the adverse impacts to the aquatic environment. The proposed mitigation area is located off the project site (see drawings).

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting **Douglas R. Berka, U.S. Army Corps of Engineers, Kansas City Field Office, 700 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106-2896** at telephone **816-983-3657 (FAX 816-426-2321)** or via email at **douglas.r.berka@usace.army.mil**. All comments to this public notice should be directed to the above address.

CULTURAL RESOURCES: Kansas City District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We have checked the National Register of Historic Places and the Federal Register and no property listed in the Register or proposed for listing is located in the permit area. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer and the public in response to this public notice, and we may conduct or require a

reconnaissance survey of the permit area to check for unknown historic properties, if warranted.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

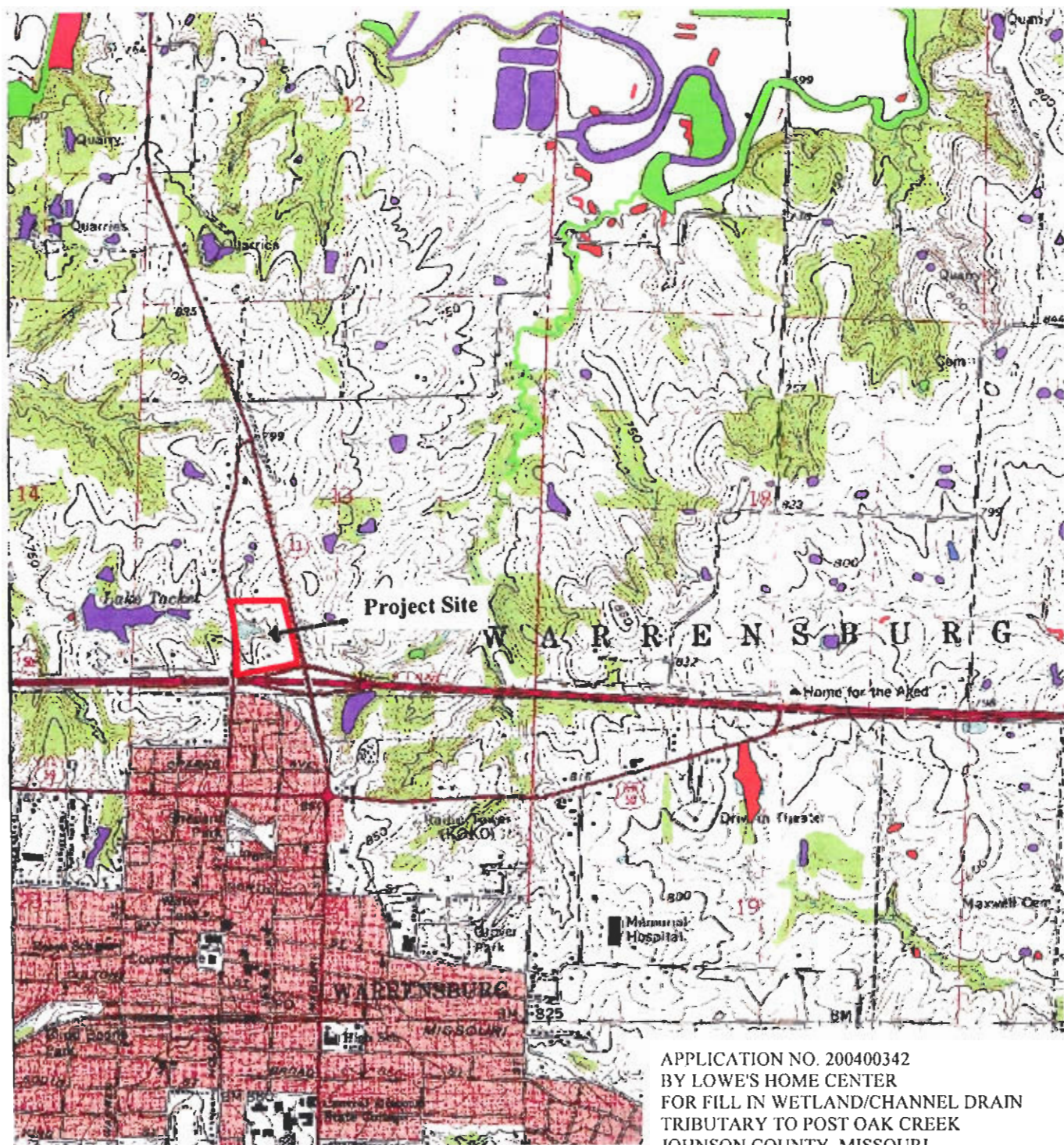
FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COMMENTS: This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if issuance of a permit would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the activity on or before the public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration in determining whether it would be in the public interest to issue the Department of the Army permit. Copies of all comments, including names and addresses of commenters, may be provided to the applicant. Comments should be mailed to the address shown on page 1 of this public notice.

PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.



Source: 1962 USGS, Warrensburg East Quadrangle,
 Johnson County, Missouri

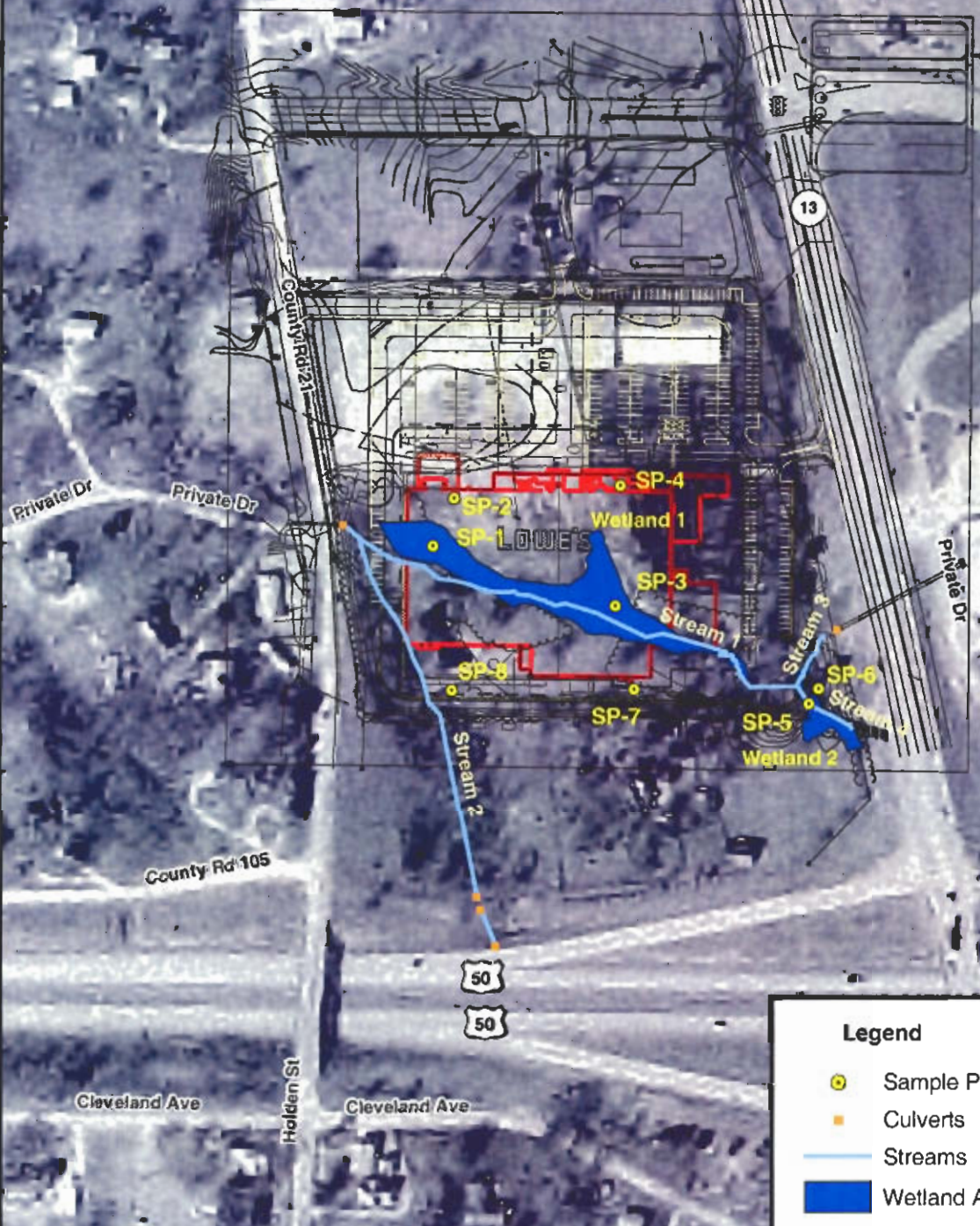
— Approximate Project Boundary



Scale: 1 inch = 2,000 feet

Figure 2
 USGS Topographic Map/
 USFWS NWI Map
 of Project Site

APPLICATION NO. 200400342
 BY LOWE'S HOME CENTER
 FOR FILL IN WETLAND/CHANNEL DRAIN
 TRIBUTARY TO POST OAK CREEK
 JOHNSON COUNTY, MISSOURI
 SHEET 2 OF 5



Legend

- Sample Plots
- Culverts
- Streams
- Wetland Area

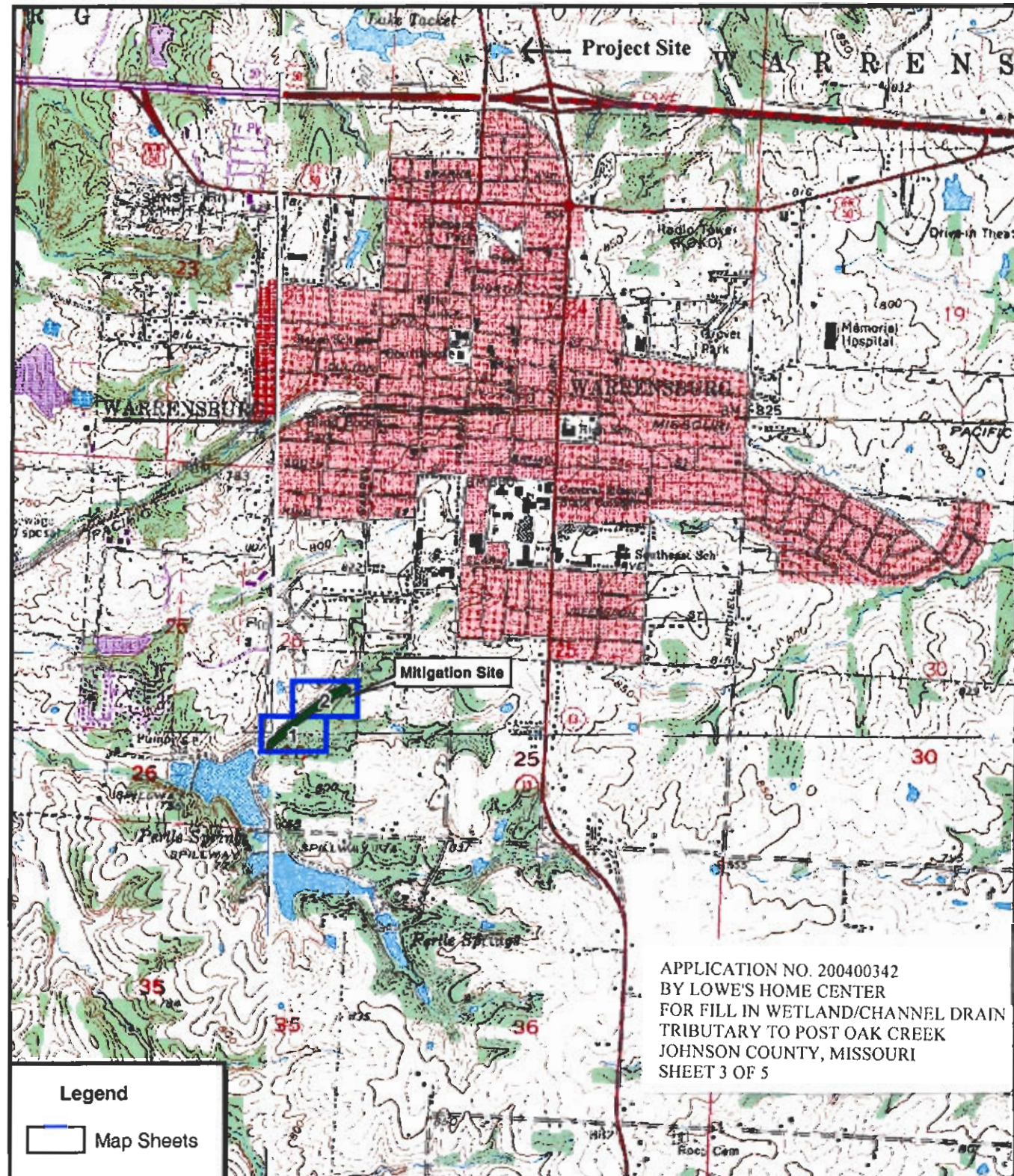
Source: USGS DOQQ: Warrensburg East,
 Warrensburg, MO, 1997.

0 250
 Feet

1 inch = 250 feet

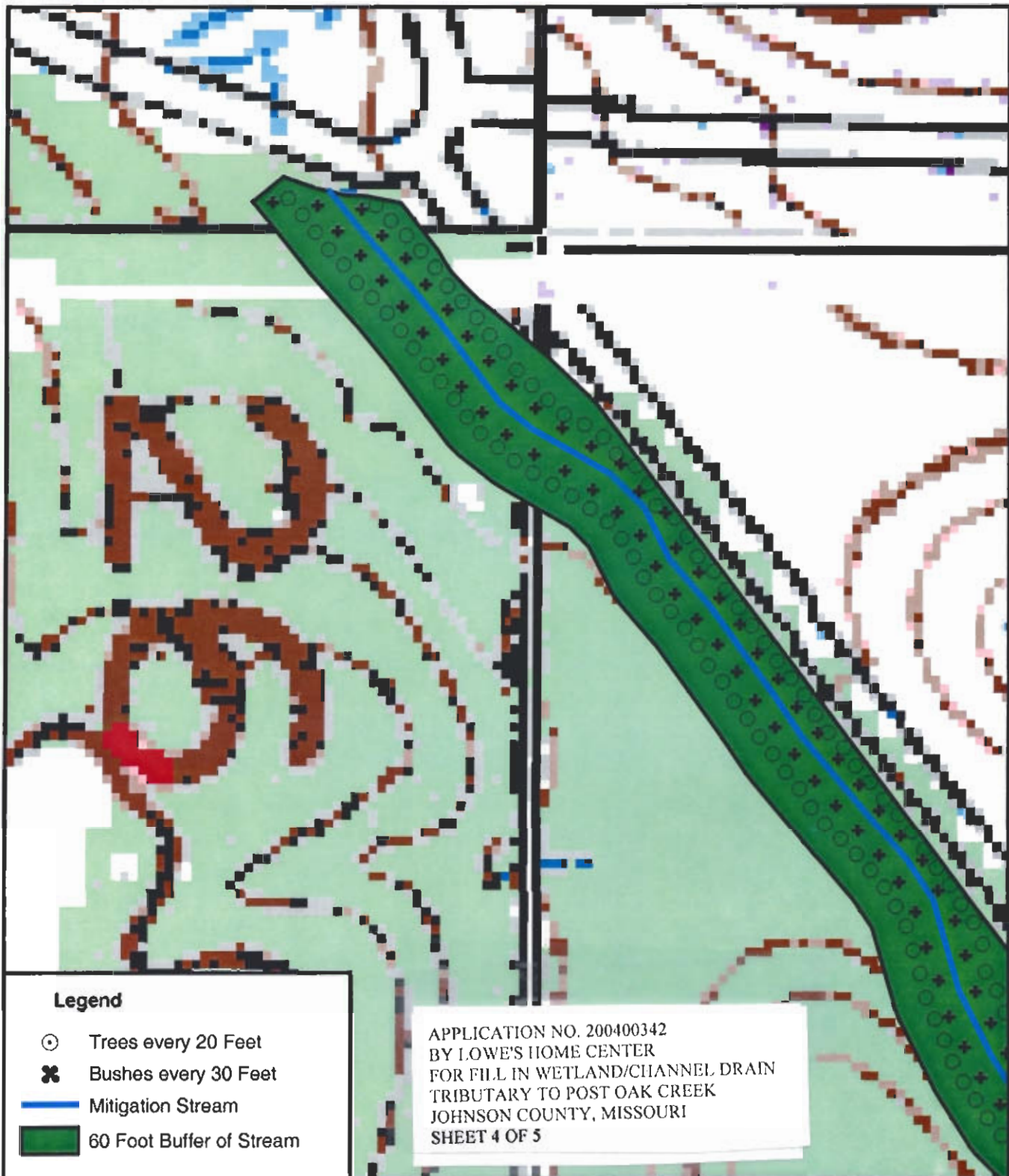


Figure 5
Location of Jurisdictional Areas
Proposed Lowe's Retail Store
Warrensburg, Missouri



Source: USGS 1:24,000 Topographic
Quadrangles: Warrensburg East,
Warrensburg West, Cornelia, Centerview.

**Location of Mitigation Site
Proposed Lowes Retail Store
Warrensburg, Missouri**



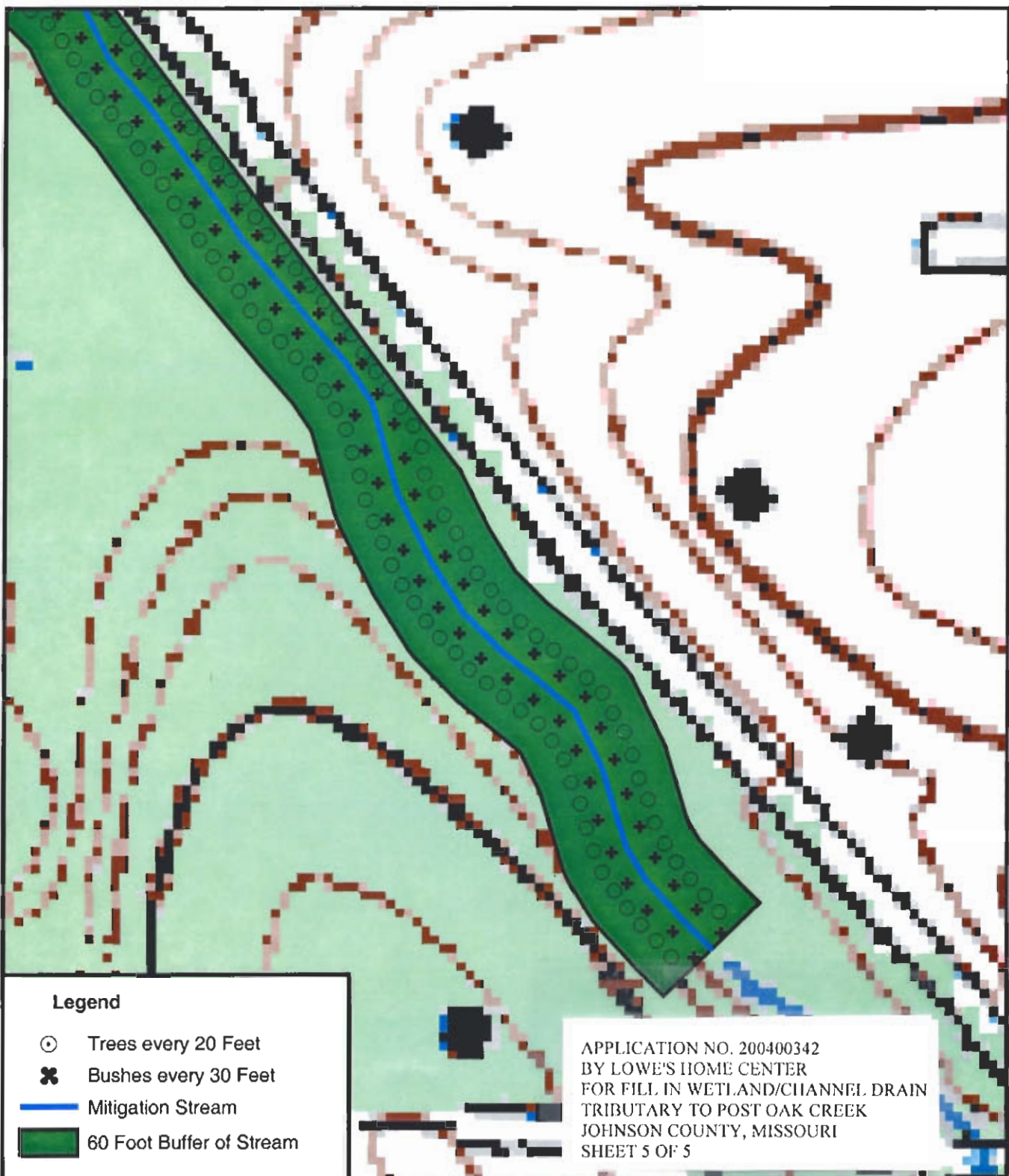
Source: USGS 1:24,000 Topographic
Quadrangles: Warrensburg East,
Warrensburg West, Cornelia, Centerview.

0 125
Feet

1 inch equals 125 feet



Mitigation
Proposed Lowes Retail Store
Warrensburg, Missouri
Sheet 1 of 2



Source: USGS 1:24,000 Topographic
Quadrangles: Warrensburg East,
Warrensburg West, Cornelia, Centerview.

0 125
Feet

1 inch equals 125 feet



Mitigation
Proposed Lowes Retail Store
Warrensburg, Missouri
Sheet 2 of 2